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08 UNITED STATES DISTRICT COURT  
09 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

10 PATRICK ARNOLD WHITE, SR.,

11 Plaintiff,

12 v.

13 STATE OF TEXAS, *et al.*,

14 Defendants.

Case No. C12-2100-RSL-MAT

REPORT AND RECOMMENDATION

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16 On November 30, 2012, plaintiff Patrick White submitted to this Court for filing a  
17 proposed civil rights complaint together with an application for leave to proceed with this  
18 action *in forma pauperis* ("IFP"). (See Dkt. No. 1.) However, plaintiff submitted his IFP  
19 application on the wrong form and he failed to provide a copy of his prison trust account  
20 statement with his application. The Clerk therefore sent plaintiff a letter advising him that he  
21 would have to correct the deficiencies in his IFP application, or pay the full filing fee, on or  
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01 before January 2, 2013, and that his failure to do so could result in dismissal of this case. (Dkt.  
02 No. 3.) The Clerk also sent plaintiff a copy of the appropriate IFP application form. (*See id.*)

03 On December 26, 2012, plaintiff submitted a new IFP application on the proper form.  
04 (Dkt. No. 4.) However, plaintiff failed to fill out the form completely and he also failed to  
05 submit with his new application a copy of his prison trust account statement. (*See* Dkt. No. 4.)  
06 The Clerk therefore sent plaintiff a letter informing him of the deficiencies in his second  
07 submission and advising him that he would have to correct the deficiencies, or pay the full filing  
08 fee, on or before January 28, 2013, or face dismissal of this action. (Dkt. No. 5.)

09 On January 28, 2013, plaintiff submitted a third IFP application to the Court for  
10 consideration. (Dkt. No. 7.) While plaintiff filled out the form completely, he failed once  
11 again to provide the Court with a copy of his prison trust account statement. The Clerk sent  
12 plaintiff another letter informing him of this deficiency and advising him that he would have to  
13 correct the deficiency on or before February 28, 2013, or face dismissal of this action. (Dkt.  
14 No. 8.)

15 On March 4, 2013, the Clerk's Office received a letter from plaintiff which he indicates  
16 is intended as a response to the Clerk's most recent letter but which does not address in any  
17 fashion the IFP deficiency identified in that letter. (Dkt. No. 9.) To date, plaintiff has neither  
18 paid the filing fee nor corrected the remaining deficiency in his IFP application. As plaintiff  
19 has had ample time to comply with the filing fee requirement, but has failed to do so, this Court  
20 recommends that the instant action be dismissed without prejudice for failure to prosecute.<sup>1</sup>

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22 1 The Court also notes that plaintiff submitted his complaint in the wrong judicial district. A civil case  
may be brought either in the judicial district where the defendant resides or where a substantial amount of the  
events giving rise to the claim occurred. *See* 28 U.S.C. § 1391. Plaintiff indicates in his complaint that he is  
confined in Texas and that the events giving rise to his claim occurred in relation to his incarceration there. He

01 DATED this 9th day of May, 2013.

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03 Mary Alice Theiler  
04 United States Magistrate Judge

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does not claim that anything relating to his complaint took place in this judicial district and, thus, his case cannot be brought here.